

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

EDWARD THEODORE RAY,

CV 04-863-HU

Plaintiff,

ORDER

v.

MAX WILLIAMS, Director of Corrections,  
personally and professionally;  
RANDY GEER, Central Mail Administrator,  
personally and professionally;  
GUY HALL, Superintendent, TRCI,  
personally and professionally;  
V. WILSON, Counselor/Mailroom  
Supervisor, personally and professionally;  
and ALECA NELSON, Superintendent  
Exec. Assist., personally and  
professionally,

Defendants.

EDWARD THEODORE RAY  
SID No. 14479916  
Two Rivers Correctional Institution  
82911 Beach Access Road  
Umatilla, OR 97882

Plaintiff, *Pro se*

**HARDY MYERS**

Attorney General

**LEONARD W. WILLIAMSON**

Senior Assistant Attorney General

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Attorneys for Defendants

**BROWN, Judge.**

Magistrate Judge Dennis James Hubel issued Findings and Recommendation (#31) on March 24, 2005, in which he recommended the Court grant Defendants' Motion for Summary Judgment (#16), deny Plaintiff's Motion to Strike (#29), and decline to exercise supplemental jurisdiction over Plaintiff's state constitutional claims. Plaintiff filed timely objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Bernhardt*, 840 F.2d 1441, 1444 (9<sup>th</sup> Cir. 1988); *McDonnell Douglas Corp. v. Commodore Business Mach., Inc.*, 656 F.2d 1309, 1313 (9<sup>th</sup> Cir. 1981), *cert. denied*, 455 U.S. 920 (1982). This Court has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and

Recommendation.

**CONCLUSION**

The Court **ADOPTS** Magistrate Judge Hubel's Findings and Recommendation (#31) and, accordingly, **GRANTS** Defendants' Motion for Summary Judgment (#16), **DENIES** Plaintiff's Motion to Strike (#29), and declines to exercise supplemental jurisdiction over Plaintiff's state constitutional claims.

IT IS SO ORDERED.

Dated this 16th day of June, 2005.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States District Judge